

REMARKS

The Office Action dated July 21, 2010, has been received and carefully noted. The following remarks are being submitted as a full and complete response thereto. Reconsideration of the application is respectfully requested.

Claims 10-17 are pending in this application, of which Claims 10 and 15-16 are independent claims. By the foregoing amendment, claims 10-12 and 14-16 have been amended. No new matter has been added. Thus, claims 10-17 are presently pending in the present application and subject to examination.

Claim Rejection 35 U.S.C. § 103(a)

In the Office Action dated July 21, 2010, claims 10-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Freeman et al. ("US Pub. No. 2002/0129374, "Freeman") in view of Grau et al. (US Patent No. 5,862,451, "Grau"). It is noted that claims 10-12 and 14-16 have been amended. To the extent that the rejections remain applicable to the claims currently pending, the Applicants hereby traverse the rejections as follows.

Claim 10 is now directed to a digital receiving apparatus including

- a measuring unit for measuring a physical information of a stream of demodulation signal, the physical information indicating a reception quality;

- an information separating unit for reproducing the stream of the demodulation signal, separating it into stream signals on multiplexed respective channels for output, and determining data compression types of the stream signals, the data compression types indicating data types with and without compression;

- a decoding unit for decoding and outputting said stream signals;

- a control unit for switching and controlling a stream signal for the decoding unit to decode out of the stream signals on said respective channels; and

a storing unit for storing matching information for indicating a matching relationship between the physical information and the data compression types of the stream signals on the respective channels, wherein said control unit determines the matching relationship between said measured physical information and the determined data compression type of the stream signal on a channel selected out of said channels based on said matching information, and switches to the stream signal on another channel and makes said decoding unit decode it when the control unit determines that said physical information during reception and the determined data compression_type of the stream signal on said selected channel do not conform to a predetermined relationship.

Thus, in claim 10, the digital receiving apparatus includes a measuring unit for measuring physical information of a stream of demodulation signal, the physical information indicating a reception quality. The information separating unit, in part, determines data compression types of the stream signals, the data compression types indicating data types with and without compression.

The storing unit stores matching information for indicating a matching relationship between the physical information and the data compression types of the stream signals on the respective channels.

The control unit determines the matching relationship between the measured physical information and the determined data compression type of the stream signal on a channel selected out of said channels based on said matching information and switches to the stream signal on another channel when the control unit determines that the physical information and the determined data compression type of the stream signal on the currently selected channel do not conform to a predetermined relationship.

The digital receiving apparatus in claim 10 offers significant benefits. For example, "whether or not the data type Dtyp of the stream signal under reception matches with a data type stored in the data table TBL is determined based on the bit

error rate. If they do not match, so-called channel switching is performed so as to receive the stream signal on another channel. This makes it possible to provide useful information to the users without interruption under a condition of more favorable reception quality.” See, e.g. paragraph [0038] of the present application.

The Office Action asserts the RAM/ROM 120 of Freeman that stores “user’s input and profile information” is the “storing unit” of claim 10. In claim 10 the storing unit stores “matching information for indicating a matching relationship between the physical information and the data compression types of the stream signals on the respective channels.”

Amended claim 10 clarifies that the “physical information [indicates] a reception quality, as measured by a measuring unit. Further, the data compression types “[indicate] data types with and without compression.” As described in paragraph [0025] of the present application, data types such as TXT and BMP are without compression, whereas data types such as MPEG-1, MPEG-2, and MPEG-4 include compression.

Freeman does not disclose or suggest a storing unit that stores “matching information for indicating a matching relationship between the physical information and the data compression types of the stream signals on the respective channels,” as now clarified in amended claim 10.

Thus, Freeman further does not disclose or suggest a control unit that “determines the matching relationship between said measured physical information and the determined data compression type of the stream signal on a channel selected out of said channels based on said matching information,” as in claim 10.

The “switching” in Freeman is “based on user inputs, personal profile information stored in memory at either the set top converter of the headend, and commands from the program source.” *See, e.g.* paragraph [0103] of Freeman.

Grau fails to cure the deficiency in Freeman.

Thus, whether taken alone or in combination, Freeman and Grau fail to disclose or suggest all of the subject matter of amended claim 10.

For at least this reason, the Applicants submit that claim 10 is allowable over the cited art.

Claim 15 is a method claim and claim 16 is computer program claim. Both of these claims claim similar features to those in claim 10. Therefore, for reasons similar to those discussed above with respect to claim 10, the Applicants submit that claims 15 and 16 are likewise allowable over the cited art.

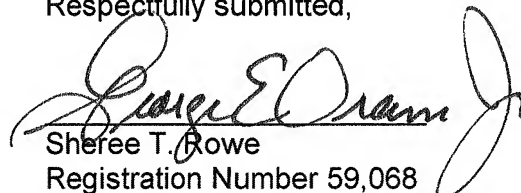
As claims 10 and 16 are allowable, the Applicants respectfully submit that claims 11-14 and 17, which depend from allowable claims 10 and 16, are therefore also allowable for at least the above noted reasons and for the additional subject matter recited therein.

CONCLUSION

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants’ undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Attorney Docket Number **107156-00350**.

Respectfully submitted,



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